

## Abingdon Division

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**ANSWER**

Defendant Tim Boyer, by counsel, pursuant to Rules 8 and 12(a)(4) of the Federal Rules of Civil Procedure, files this Answer to the Second Amended Complaint. In response to the allegations in the Second Amended Complaint, Boyer responds as follows:

The Second Amended Complaint fails to comply with Rule 10 of the Federal Rules of Civil Procedure because it does not “state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances. Fed. R. Civ. P. 10(b). Moreover, many of the claims raised in the Second Amended Complaint have already been dismissed. See ECF No. 16. As such, Boyer denies each and every allegation contained in the Second Amended Complaint not specifically admitted herein.

In response to the allegations contained in the Second Amended Complaint pertaining to the single cause of action still pending against Boyer, Count 7, Boyer states as follows:

1. Boyer admits that he is an Assistant Commonwealth's Attorney for the City of Bristol and held that position during the timeframe identified in the Second Amended Complaint.

2. All allegations contained in the Second Amended Complaint not contained in Count 7 do not pertain to this defendant, and therefore no response is required. To the extent a response is required, Boyer denies all allegations in the Second Amended Complaint that are not contained within Count 7.

3. As to the allegations contained in Count 7, Boyer denies instructing or otherwise advising any member of the Bristol City Police Department to arrest plaintiff for obstruction of justice. Boyer lacks sufficient information to either admit or deny the remaining allegations contained in Count 7.

4. Boyer denies that plaintiff has suffered the injuries/damages alleged in the Second Amended Complaint and denies that any alleged injuries/damages were proximately caused by Boyer.

5. Boyer denies that plaintiff is entitled to any of the relief requested in the Second Amended Complaint or to any relief whatsoever.

6. Boyer denies any remaining allegations contained in the Second Amended Complaint.

7. TRIAL BY JURY IS DEMANDED.

#### **Affirmative Defenses**

1. Boyer asserts the defense of absolute immunity.
2. Boyer asserts the defense of prosecutorial/quasi-judicial immunity.
3. Boyer asserts the defense of qualified immunity.
4. Plaintiff fails to state a claim for which relief can be granted.
5. Plaintiff fails to allege sufficient facts to warrant an award of punitive damages.
6. Plaintiff fails to allege sufficient facts to warrant an award of injunctive relief.

7. Plaintiff's alleged damages were proximately caused by others over whom Boyer has no control.

8. The alleged arrest and detention of plaintiff were reasonable under the Fourth Amendment.

9. Boyer reserves the right to amend this Answer to assert any other affirmative defenses supported by the evidence disclosed in discovery.

Respectfully submitted,

TIM BOYER

/s/  
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*Counsel for Tim Boyer*



**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to counsel of record, and I have mailed a copy to the address of record of the pro se plaintiff:

Tony McKenna  
249 New Haven Ln.  
Apt. 205  
Bristol, VA 24201

/s/  
Nathan H. Schnetzler

